



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,853	06/20/2001	William E. Bernier	END920010026US1	4080
5409	7590	09/20/2004	EXAMINER	
ARLEN L. OLSEN SCHMEISER, OLSEN & WATTS 3 LEAR JET LANE SUITE 201 LATHAM, NY 12110			COLEMAN, WILLIAM D	
			ART UNIT	PAPER NUMBER
			2823	
DATE MAILED: 09/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Applicant: Coleman  
Art Unit: 2823  
THIS IS SET TO EXPIRE 1 MONTH(S) FROM  
the cover sheet with the correspondence address

IN NO EVENT, HOWEVER, MAY A REPLY BE TIMELY FILED  
IN THE STATUTORY PERIOD OF THIRTY (30) DAYS WILL BE CONSIDERED TIMELY  
FOR REPLY WILL, BY SLIGHT, CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133)  
THREE MONTHS AFTER THE MAILING DATE OF THIS COMMUNICATION, EVEN IF TIMELY FILED, MAY REDUCE ANY  
COMMUNICATION(S) FILED ON 04 February 2004.

2b) This action is non-final.  
This application is in condition for allowance except for formal matters, prosecution as to the merits is  
in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

FINAL  
Communication(s) filed on 04 February 2004.  
This application is in condition for allowance except for formal matters, prosecution as to the merits is  
in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) ☒ Claim(s) 1-40 is/are pending in the application.  
5) ☒ Claim(s) 1-40 is/are pending in the application.  
6) ☐ Claim(s) 1-20 is/are allowed.  
7) ☐ Claim(s) 1-20 is/are allowed.  
8) ☐ Claim(s) 1-20 is/are allowed.

Application Papers  
9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.85(a).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  
12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
13) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
14) ☐ Certified copies of the priority documents have been received in this National Stage  
application from the International Bureau (PCT Rule 17.2(a)).  
15) ☐ See the attached detailed Office action for a list of the certified copies not received.

Priority under 35 U.S.C. § 119  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Copies of the certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ See the attached detailed Office action for a list of the certified copies not received.

Attachments:  
1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
U.S. Patent and Trademark Office  
PTOL-320 (Rev. 1-04)

Office Action Summary  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Paper No(s)/Mail Date \_\_\_\_\_  
6) ☐ Notice of Informal Patent \_\_\_\_\_  
Other: \_\_\_\_\_ P

# Office Action Summary

Application No.

09/885,853

Applicant(s)

BERNIER ET AL.

Examiner

W. David Coleman

Art Unit

2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 21-40 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

BEST AVAILABLE COPY

**DETAILED ACTION**

***Election/Restrictions***

1. This application is in condition for allowance except for the presence of claims 21-40 to an invention non-elected with traverse in the reply filed on August 30, 2002. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

2. The prosecution of this case is closed except for consideration of the above matter.

***Allowable Subject Matter***

3. Claims 1-20 allowed.

4. The following is an examiner's statement of reasons for allowance: reasons for allowance are recited in Applicants arguments filed February 4, 2004.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. David Coleman whose telephone number is 571-272-1856.

The examiner can normally be reached on 9:00 AM-5:00 PM.